

1 Robert A. Mittelstaedt (State Bar No. 60359)
2 ramittelstaedt@jonesday.com
3 Craig E. Stewart (State Bar No. 129530)
4 cestewart@JonesDay.com
5 David C. Kiernan (State Bar No. 215335)
6 dkiernan@jonesday.com
7 Rowan T. Mason (State Bar No. 259586)
8 rmason@JonesDay.com
9 JONES DAY
10 555 California Street, 26th Floor
11 San Francisco, CA 94104
12 Telephone: (415) 626-3939
13 Facsimile: (415) 875-5700
14 Attorneys for Defendant
15 INTUIT INC.

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

13 **IN RE HIGH-TECH EMPLOYEE
14 ANTITRUST LITIGATION**

15 **THIS DOCUMENT RELATES TO:**

16 **All Actions**

17 **Case No. 11-CV-2509 LHK**

18 **DECLARATION OF ROWAN T.
MASON IN SUPPORT OF
DEFENDANTS' JOINT
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL**

19 Date Consolidated Amended Compl.
20 Filed: September 13, 2011

21
22
23
24
25
26
27
28

1 I, ROWAN T. MASON, declare:

2 1. I am an attorney at law, duly admitted to practice in the State of California and
3 before this Court. I am an associate at the law firm of Jones Day, counsel for Defendant Intuit
4 Inc. (“Intuit”) in the above captioned action. I submit this Declaration in Support of Defendants’
5 Joint Administrative Motion to File Under Seal. As one of the attorneys involved in the defense
6 of this action, unless as otherwise stated, I have personal knowledge of the facts stated in this
7 Declaration and if called as a witness I could and would testify competently to them.

8 2. I have reviewed the Exhibit A to the Omnibus Declaration of Christina J. Brown in
9 Support of Defendants’ Replies in Support of Joint Motion to Exclude Testimony of Edward E.
10 Leamer, Ph.D. and Joint Motion to Strike Improper Rebuttal Testimony in Dr. Leamer’s Reply
11 Expert Report (“Omnibus Brown Declaration”)

12 3. As described below, the information requested to be sealed contains or
13 summarizes Intuit’s compensation and recruiting data, practices, strategies and policies, and
14 confidential agreements. Intuit has designated this information as “CONFIDENTIAL –
15 ATTORNEYS’ EYES ONLY” pursuant to the Protective Order in this case. (Dkt. No. 107).

16 4. As noted in the Declaration of Lisa K. Borgeson In Support of Renewed
17 Administrative Motion to File Under Seal (Dkt. No. 285), the Declaration of Mason Stubblefield
18 in Support of Intuit’s Response Motion to Seal (Dk. No. 585-1), the Declaration of Catherine T.
19 Zeng in Support of Renewed Administrative Motion to File Under Seal (Dk. No. 397), and the
20 Declaration of Catherine Zeng in Support of Defendants’ Motion to Seal (Dk. No. 448), Intuit’s
21 salary and compensation data, strategies and methods are non-public, highly sensitive and
22 confidential, and private to Intuit and its employees.

23 5. Moreover, Intuit’s recruiting strategies, methods, data and practices, and
24 confidential agreements are also non-public and proprietary to Intuit. Therefore, information
25 pertaining to Intuit’s recruiting and compensation methods, strategies, practices and data is
26 confidential and public dissemination of that information could cause Intuit competitive harm.

27 6. Specifically, Intuit seeks to keep the following redacted portions of the following
28 Exhibit A to the Omnibus Brown Declaration under seal:

1 **Exhibit A, November 12, 2012 Expert Report of Professor Kevin Murphy**

2 7. Intuit seeks to file under seal the redacted portions of the November 12, 2012
 3 Expert Report of Professor Kevin M. Murphy that the Court sealed in its September 30, 2013
 4 Order (ECF No. 509):

5 8. **Appendix 1A** contains confidential information about the number and percentage
 6 of hires at Intuit from other defendants. This is confidential employee data that pertains to
 7 Intuit's recruiting strategies, methodologies, and practices.

8 9. **Appendix 1B** contains confidential information about the number and percentage
 9 of separations at Intuit that went to other defendants. This is confidential employee data that
 10 pertains to Intuit's recruiting strategies, methodologies, and practices.

11 10. **Appendix 1C** contains confidential information about the number and percentage
 12 of hires at Intuit from other defendants. This is confidential employee data that pertains to Intuit's
 13 recruiting strategies, methodologies, and practices.

14 11. **Appendix 1D** contains confidential information about the number and percentage
 15 of separations at Intuit that went to other defendants. This is confidential employee data that
 16 pertains to Intuit's recruiting strategies, methodologies, and practices.

17 12. **Appendix 2A** contains confidential information about the number and percentage
 18 of hires at Intuit from other defendants. This is confidential employee data that pertains to Intuit's
 19 recruiting strategies, methodologies, and practices.

20 13. **Appendix 2B** contains confidential information about the number and percentage
 21 of separations at Intuit that went to other defendants. This is confidential employee data that
 22 pertains to Intuit's recruiting strategies, methodologies, and practices.

23 14. **Appendix 2C** contains confidential information about the number and percentage
 24 of hires at Intuit from other defendants. This is confidential employee data that pertains to Intuit's
 25 recruiting strategies, methodologies, and practices.

26 15. **Appendix 2D** contains confidential information about the number and percentage
 27 of separations at Intuit that went to other defendants. This is confidential employee data that
 28 pertains to Intuit's recruiting strategies, methodologies, and practices.

16. **Appendix 4A** contains information about the distribution of base salaries at Intuit. This is confidential employee salary information that pertains to Intuit's compensation methods, strategies, practices and data.

17. **Appendix 4B** contains information about the distribution of base salaries at Intuit. This is confidential employee salary information that pertains to Intuit's compensation methods, strategies, practices and data.

18. **Appendix 4C** contains information about the distribution of total compensation at Intuit. This is confidential employee salary information that pertains to Intuit's compensation methods, strategies, practices and data.

19. **Appendix 4D** contains information about the distribution of total compensation at Intuit. This is confidential employee salary information that pertains to Intuit's compensation methods, strategies, practices and data.

20. **Appendix 5C** contains information about the distribution of total compensation for the top 10 jobs at Intuit. This is confidential employee salary information that pertains to Intuit's compensation methods, strategies, practices and data.

21. **Appendix 6C** contains information about the distribution of annual changes in total compensation for the top 10 jobs at Intuit. This is confidential employee salary information that pertains to Intuit's compensation methods, strategies, practices and data.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 27th day of February, 2014 in San Francisco, California.

/S/ Rowan T. Mason
Rowan T. Mason